

SENATE AMENDMENTS

2nd Printing

By: Landgraf, Phelan, Cyrier, Burns, Dean,
et al.

H.B. No. 888

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of misrepresenting a
child as a family member at a port of entry and providing certain
benefits to the misrepresented child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is
amended by adding Section 531.0991 to read as follows:

Sec. 531.0991. AUTOMATIC PROVISION OF MEDICAID BENEFITS.
To the extent permitted by federal law and regardless of the
nationality of the child, the commission shall ensure a child who is
used in the commission of an offense under Section 37.082, Penal
Code, is provided Medicaid benefits.

SECTION 2. Chapter 37, Penal Code, is amended by adding
Section 37.082 to read as follows:

Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT
OF ENTRY. (a) In this section:

(1) "Child" means a person younger than 18 years of
age.

(2) "Family member" means a person who is related to
another person by consanguinity or affinity.

(3) "Port of entry" means a place designated by
executive order of the president of the United States, by order of
the United States secretary of the treasury, or by act of the United
States Congress at which a customs officer is authorized to enforce

1 customs laws.

2 (b) A person commits an offense if the person, with intent
3 to engage in trafficking of persons, as defined by Section 20A.02,
4 knowingly misrepresents a child as a family member of the person to
5 a peace officer or federal special investigator at a port of entry.

6 (c) An offense under this section is a Class B misdemeanor.

7 (d) If conduct that constitutes an offense under this
8 section also constitutes an offense under another law, the actor
9 may be prosecuted under this section, the other law, or both.

10 SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Henry Spaw
Secretary of the Senate

By: *Perry*

H.B. No. 888

Substitute the following for __.B. No. ____:

By: *Zaffin*

C.S. H.B. No. 888

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating the criminal offense of misrepresenting a
3 child as a family member at a port of entry.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 37, Penal Code, is amended by adding
6 Section 37.082 to read as follows:

7 Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT
8 OF ENTRY. (a) In this section:

9 (1) "Child" means a person younger than 18 years of
10 age.

11 (2) "Family member" means a person who is related to
12 another person by consanguinity or affinity.

13 (3) "Port of entry" means a place designated by
14 executive order of the president of the United States, by order of
15 the United States secretary of the treasury, or by act of the United
16 States Congress at which a customs officer is authorized to enforce
17 customs laws.

18 (b) A person commits an offense if the person, with intent
19 to commit an offense under Section 20A.02, knowingly misrepresents
20 a child as a family member of the person to a peace officer or
21 federal special investigator at a port of entry.

22 (c) An offense under this section is a Class B misdemeanor.

23 (d) If conduct that constitutes an offense under this
24 section also constitutes an offense under another law, the actor

1 may be prosecuted under this section, the other law, or both.

2 SECTION 2. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB888 by Landgraf (Relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create a new offense of knowingly misrepresenting a child as a family member at a port of entry. The offense created by this bill would be a Class B misdemeanor.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact on the state court system is anticipated.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMa, SD, GP, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB888 by Landgraf (relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create a new offense of knowingly misrepresenting a child as a family member at a port of entry. The offense created by this bill would be a Class B misdemeanor.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact on the state court system is anticipated.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMa, SD, GP, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 12, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB888 by Landgraf (Relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry and providing certain benefits to the misrepresented child.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create a new offense of misrepresenting a child as a family member at a port of entry. The offense created by this bill would be a Class B misdemeanor. The bill would also require the Health and Human Services Commission (HHSC) to ensure that a child who is used in the commission of the new offense be provided Medicaid benefits to the extent permitted by federal law. The bill would take effect September 1, 2019.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact on the state court system is anticipated. According to HHSC, the bill would not have a significant fiscal impact to the Medicaid program. Federal law does not allow Medicaid benefits for non-citizens with limited exceptions. It is assumed the number of instances where Medicaid benefits would be provided would be small and any cost would be minimal and could be absorbed within the available resources of the agency.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission

LBB Staff: WP, CMa, LR, MDI, AF, SD, GP, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 5, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB888 by Landgraf (Relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create a new offense of misrepresenting a child as a family member at a port of entry. The offense created by this bill would be a Class B misdemeanor.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact on the state court system is anticipated.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

According to the Office of Court Administration, any increased workload would likely be absorbed by existing resources. No significant fiscal impact to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, CMa, SD, GP, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

March 5, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB888 by Landgraf (Relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Penal Code to create the criminal offense of misrepresenting a child as a family member at a port of entry, which would be punishable as a Class B misdemeanor. The bill would also allow conduct constituting an offense under more than one section to be prosecuted under either section or both sections.

A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and in addition to confinement, an optional fine not to exceed \$2,000.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Source Agencies:

LBB Staff: WP, LM, JPo